

REED SMITH LLP  
A limited liability partnership formed in the State of Delaware

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Attorneys for Defendants  
Merck & Co., Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DOROTHY M. WHITE,

Plaintiff,

vs.

MERCK & CO. INC., et al.

Defendants.

No.: 4:06-cv-06992-WDB

STIPULATION AND PROPOSED ORDER  
STAYING PROCEEDINGS PENDING  
TRANSFER TO VIOXX MDL NO. 1657

Honorable Wayne D. Brazil

1 TO THE CLERK OF THE COURT OF THE UNITED STATES DISTRICT COURT FOR  
2 THE NORTHERN DISTRICT OF CALIFORNIA, PLAINTIFF AND DEFENDANT, THROUGH  
3 THEIR ATTORNEYS, FILE THIS STIPULATION AND PROPOSED ORDER.

4  
5 This case, *Dorothy M. White v. Merck & Co., Inc., et al.* Case Number 4:06-cv-06992-WDB,  
6 was filed in state court on September 26, 2006 and removed to this Court on November 8, 2006. No  
7 discovery has been conducted or scheduled.

8  
9 On November 14, 2006, Merck, pursuant to Rule 7.5(c) of the Rules of Procedure of the  
10 Judicial Panel on Multidistrict Litigation ("R.P.J.P.M.L."), provided notice to the MDL Panel of the  
11 pendency of this "tag-along" action and furnished the MDL Panel with a copy of the docket sheet  
12 and complaint. Merck requested that the MDL Panel transfer this action to the multidistrict litigation  
13 known as In re Vioxx Products Liability Litigation, MDL No. 1657, currently pending in the Eastern  
14 District of Louisiana, District Judge Eldon Fallon presiding. Merck expects the JPML to issue a  
15 conditional transfer order that includes this case in the next few weeks.

16  
17 Plaintiff does not oppose the transfer of this case to the Vioxx MDL.

18  
19 In light of the pending transfer of this case to the Vioxx MDL, the parties respectfully  
20 request that all proceedings be stayed so as to allow the JPML to rule on transfer of this tag along  
21 action.

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1 SO STIPULATED.

2  
3 Dated: December 19, 2006

4 REED SMITH LLP

5  
6 By: 

Amanda Murray  
Attorney for Defendant  
MERCK & CO., INC

7  
8  
9 Dated: December 19, 2006

10 KERSHAW CUTLER & RATINOFF LLP

11 By: 

David E. Smith  
Attorney for Plaintiff

12  
13 REED SMITH LLP  
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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that the above terms of this  
Stipulation are approved by this Court.

Dated: 12-20-06

*/s/ Wayne D. Brazil*

\_\_\_\_\_  
United States District Judge  
Magistrate

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